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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,534	09/19/2003	Clayton Kittrell	16214.0004	5884
44553	7590	12/21/2007	EXAMINER	
STEPTOE & JOHNSON LLP 1330 Connecticut Avenue NW Washington, DC 20036			SAINT CYR, LEONARD	
		ART UNIT	PAPER NUMBER	
		2626		
		MAIL DATE	DELIVERY MODE	
		12/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,534	KITTRELL ET AL.	
	Examiner	Art Unit	
	Leonard Saint-Cyr	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 October 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/17/07 have been fully considered but they are not persuasive.
2. Applicant's argues that Smithies et al., do not teach or suggest a speakable identifier that uses any technique to summarize the content of document to be signed (Amendment, pages 6 – 9).

The examiner disagrees, Smithies et al., teach that the affirming party will be prompted to interact with the appropriate peripheral device or module so that the signature data may be invoked, used, read, recorded. If the signature is a so called "digital signature" created with the aid of a secret or private cryptographic key possessed by the affirming party, then the APC calls an appropriate cryptographic module to cause with the aid of that key (col.35, lines 28 – 36). Recording the signature data using cryptographic key implies using a speakable identifier that uses any technique to summarize the content of document to be signed, since the cryptographic key is obtained by transforming the signing document in a fixed length string.

3. Applicant's argues that Smithies et al., do not teach or suggest the use of voice script that provides a signer reciting any cryptographic hash or other summary of the contents of a document; voice script that includes a checksum (Amendment, page 9).

The examiner disagrees, Smithies et al., teach that the affirming party will be prompted to interact with the appropriate peripheral device or module so that the signature data may be invoked, used, read, recorded. If the signature is a so called "digital signature" created with the aid of a secret or private cryptographic key possessed by the affirming party, then the APC calls an appropriate cryptographic module to cause with the aid of that key, the encryption of a checksum or hash of the document (col.35, lines 28 – 36). Recording the signature data using cryptographic key implies using voice script that provides a signer reciting any cryptographic hash or other summary of the contents of a document; voice script that includes a checksum, since the document is recorded in a data object made secure through the use of encryption and a checksum.

Art Unit: 2626

4. Applicant's argues that Smithies et al., do not teach or suggest message digest in voice script (Amendment, page 9).

The examiner disagrees, Smithies et al., teach that the transaction generator module access the document, transaction or statement passed to it and executes a process, such as MD5 message digest technique creating a one-way has checksum of the characters within the document (col.24, lines 19 – 24). Creating a one-way has checksum of the characters within the document using digest technique implies message digest in voice script, since the document is recorded in a data object made secure through the use of encryption and a checksum.

5. Applicant's argues that Smithies et al., do not teach or suggest sending a hardcopy of a document to be signed to a signer (Amendment, page 10).

The examiner disagrees, Smithies teach that the evidence stored may be stronger than that in connection with execution of an analogous paper document (col.7, lines 37 – 40). Using analogous paper document implies using a hardcopy document.

6. Applicant argues that Smithies et al., do not teach or suggest interactive voice response (Amendment, page 10).

The examiner disagrees, Smithies et al., teach that transaction or event triggered by computer interaction (col.7, lines 30, and 31).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 –19 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithies et al., (US Patent 6,091,835).

As per claims 1, 11, and 17, Smithies et al., teach a method for facilitating voice signatures, the method comprising:

identifying a document to be signed (“information relating to a document”; col.8, line 18);

creating a speakable identifier summarizing the contents of the document (“the affirming party will be prompted to interact with the appropriate peripheral device or module so that the signature data may be invoked, used, read, recorded. If the signature is a so called “digital signature” created with the aid of a secret or private cryptographic key”; col.35, lines 28 – 36);

creating a voice script including the speakable identifier (“voice recording the declaration of intention”; col.34, lines 49 – 51);

using the voice script and the document to be signed to facilitate the creation of a voice signature (“voice or multimedia recordings signature”; col.8, lines 31 - 35; col7, lines 42 – 50).

As per claim 2, Smithies et al., further disclose identifying an electronic record containing one or more details of a transaction (“statement file”; col.8, lines 30 – 35).

As per claim 3, Smithies et al., further disclose identifying an electronic record containing a document to be acknowledged (“presents certain information relating to a document”; col.12, lines 14 – 16; col.8, lines 15 - 18).

As per claims 4, and 18, Smithies et al., further disclose calculating a cryptographic hash of the document (“cryptographic means”; col.7, lines 64, and 65; col.35, line 36).

As per claims 5, and 19, Smithies et al., further disclose calculating a checksum of the document (col.35, line 36).

As per claim 6, Smithies et al., further disclose calculating a message digest of the document (“such as MD5 message digest technique creating a one-way has checksum of the characters within the document”; col.24, lines 19 – 24).

As per claim 7, Smithies et al., further disclose creating instructions using the voice script such that the instructions enable a signer to create a voice signature (“instructions from the client application to determine the types of authentication to be used during any affirmation process”; col.13, lines 7 – 10).

As per claims 8, and 12, Smithies et al., further disclose forwarding the instructions and the document to the signer ("presenting a text or aural instruction"; col.8, lines 15 – 20; col.33, lines 39 – 42).

As per claims 9, and 13, Smithies et al., further disclose that instructions and the document are forwarded to the signer electronically ("the evidence stored may be stronger than that in connection with execution of an analogous paper document"; col.7, lines 37 – 40).

As per claims 10, and 14, Smithies et al., further disclose that hardcopies of the instructions and the document are forwarded to the signer ("message displayed to the affirming party"; col.8, lines 47, and 48).

As per claim 15, Smithies et al., further disclose that recording a user reading the voice script is performed using a microphone (col.43, line 21).

As per claim 16, Smithies et al., further disclose recording a user reading the voice script is performed using an interactive voice response system ('record of the affirming party's interaction with the system"; col.13, lines 49 – 51).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Saint-Cyr whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS
12/17/07



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER